REMARKS

Claims 1-37 are in the application.

Claims 1-37 are rejected under 35 USC 103(a) as being obvious over Friedland et al. in view of Alaia (US 6,230,146).

Applicants have argued that the Internet and its underlying protocols do not guaranty packet delivery, and therefore the art has devised various means for ensuring and/or confirming delivery of the information intended to be conveyed. Therefore, system architectures vary to achieve these goals top the desired extent. While in theory, a "perfect" packet delivery network could be contemplated, it is unreasonable to imply that any perfect real-world system exists, and that any prior art has, in fact, disclosed such a perfect system.

Claims 1-37 each relates to a method, and therefore it is respectfully submitted that the Examiner's interpretation of claim language as being a "statement of intended use" is incorrect. These are, in fact, affirmative statements of function. Thus, for example, "each local server communicating with at least one respective remote location, each local server altering a format of information communicated between a remote location and the central server" is an express statement of function, and therefore an express limitation, of the method claim 1. Nevertheless, claim 1 has been amended to recite the previous "wherein" clause affirmatively.

Claim 6 is believed to be without statements of intended use.

In order to simplify the issues presented for prosecution at this stage, applicants have focused on the limitations previously set forth in claim 6, without prejudice or disclaimer, as the basis for allowability of all of the claims. Thus, all independent claims now require an interactive communication between the user and local server to define the communication ultimately sent to the central server. Since these limitations already appear in claim 6, it is respectfully submitted that this presents no new issues for consideration, and indeed removes substantial issues from the case.

Claim 6 requires the step of "receiving bid identifications for remaining units within the lot at the contemporaneous offering price from the plurality of remote locations by communicating between a set of users and a plurality remote servers at respective remote locations to interactively define the bid identifications, and communicating the defined bid identifications between the remote location and the central server substantially without interactive communications directly between the user and the central server". This step requires an *interactive* relationship between the users and remote servers, a relationship not taught or

suggested by the art. That is, neither Friedland et al. nor Alaia et al. teach or suggest that the local server itself responds to the user, but rather that it "serves to efficiently collect and filter bids from a large number of remote bidders and pass potentially winning bids onto the auction server, and also to serve to efficiently broadcast status messages concerning the live auction received from auction server to a large number of remote client programs running on remote computers." Friedland et al., Col. 3, lines 24-29. In the present case, *interactively* means that the local server itself generates a response to the user without requiring a separate communication for the purpose of defining that response to the central server. Reconsideration is respectfully requested.

Google provides the following relevant definitions of "interactive" (not necessarily endorsed by applicants):

Referring to programs or applications that respond directly to the user, taking instructions and giving feedback.
www.uark.edu/mckinsey/glossary.html

providing output based on input from the user. This output feeds back into the user's decision process for subsequent interaction. Interactive websites, for instance, allow for more dynamic information browsing and applications such as shopping, banking, etc.
cyber.law.harvard.edu/readinessguide/glossary.html

An electronic document that is designed to allow the audience to interact with it. Often referred to as "multimedia," these documents usually take the form of a Web site or computer program.
web.mit.edu/campaign/styleguide/glossary.html

Any type of media that allows the user to influence and react to it.
www.rainwater.com/glossary/i.html

The property of a system that allows two-way communications on a timely if not real-time basis, as opposed to a system in which information flows only one way on a batch or scheduled basis.
www.bridgefieldgroup.com/glos4.htm

A new term from the world of multimedia that refers to the explicit interaction between a user and a software package. Interactivity is most often experienced by reading menus, making selections and pushing buttons with a mouse.
www.binarygraphics.com/glossary/hardware.html

Implying that the user of the software can exert some control over the software, and not just be a passive page-turner recipient. It also usually implies that part of the software design is aimed at adjusting to the needs of each individual user.

www.fas.org/spp/military/docops/usaf/2020/app-v.htm

description of a computer or network system that responds in some way to information provided to it by a user. Thus an interactive program is one which can accept information and modify its behaviour while it is being run, for example a computer game. Similarly an interactive website is one where it is possible to enter information, such as credit card details in order to make a purchase, or where it is possible to select from a menu of options.
www.med.govt.nz/buslt/int_prop/digital/discussion/digital-08.html

Refers to the fact that many texts (particularly those delivered via new technologies) have multiple paths and choices, inviting the reader to choose their path through the text. Interactive texts are rarely constructed to be read in linear sequence.
education.qld.gov.au/curriculum/learning/literate-futures/glossary.html

Also referred to as online or real-time processing, occurs when the user is directly connected to the host and receives immediate response to requests or inquiries.
www.intelera.com/glossary.htm

essentially means "two-way". Interactive services give viewers the ability to communicate back to the cable company through their own television to choose programming, participate in games or buy goods and services.
www.crtc.gc.ca/eng/INFO_SHT/Cdbt8.htm

A term used to describe a computer program that immediately reacts to commands from the user.
www.ccd.net/resources/guide/glosary/glossary2.html

Pertaining to an application or system in which entry elicits a response. An interactive system may also be conversational, implying continuous dialogue between the user and the system.
www.kcsd.k12.pa.us/~techhp/techplan/glossary.html

A computer that accepts input from a user via a mouse and/or keyboard and returns results immediately. Most modern computers are interactive. A non-interactive application would be one that, once started, would require no human intervention.
www.scotsmist.co.uk/glossary_i.html

A mode of operation in which there is a continual exchange of information between the computer and the user at a video screen.
www.vvm.com/~jhunt/compupedia/comp_glos/i_k.htm

When a device (or person) can communicate in real-time with another device (almost always a computer of some sort).
www.satellite-tv-hq.com/telecom-glossary-i.htm

A program that is able to carry on a "conversation" with the operator. The program prompts the operator helping the user through a routine while checking input for acceptability and notifying the operator when an error is made.
www.vpa.org.vn/english/maritime_term/glossary8/i.htm

responsive. An interactive computer program requires input from the network user in order to progress.
www.ccsf.cc.ca.us/Resources/Title3/materials/orient_students/sm_vocab.htm

Accepting input from a human. Interactive computer systems are programs that allow users to enter data or commands. Most popular programs, such as word processors and spreadsheet applications, are interactive.
www.ithomeservices.biz/definitionstext.html (Courtesy Webopedia.com)

Computer based system or program that allows the user to interact directly and maintain control will desired actions.
gofishdesign.com/energy/termsinter.html

In the fields of information science, communication, and industrial design, there is debate over the meaning of Interactivity. In the "contingency view" of interactivity, there are three levels: Noninteractive, when a message is not related to previous messages; Reactive, when a message is related only to one immediately previous message; and Interactive, when a message is related to a number of previous messages and to the relationship between them.
Interactivity is similar to the degree of responsiveness, and is examined as a communication process in which each message is related to the previous messages exchanged, and to the relation of those messages to the messages preceding them.
en.wikipedia.org/wiki/Interactive (initial part of primary source)

It is respectfully submitted that, in accordance with any reasonable an appropriate definition of "interactive" or its associated adverb, "interactively", the present claim 6, and therefore the remaining claims, distinguish the art.

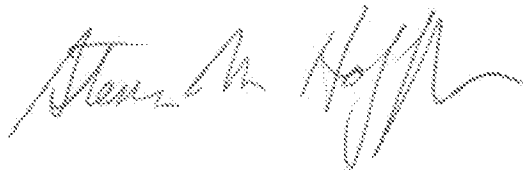Claims 1 and 21 have been amended to also recite that the process is conducted interactively.

Claim 14 has been amended, without prejudice or disclaimer, to cancel the allegedly indefinite claim language "if". It is respectfully submitted conditional claim language is not per se impermissible, and in the present case the former claim language did not render the claim indefinite or otherwise permit ignoring of the subject language. There is, in fact, no ambiguity that the bids must be timely, or alternately expressed, that the preceding is true only if received within a bid time window.

Applicants' prior distinctions are incorporated herein by reference. In particular, applicants have previously stated, to which no formal reply is presented:

Claim 6 was previously amended to recite the step of: "receiving bid identifications for remaining units within the lot at the contemporaneous offering price from the plurality of remote locations by communicating between a set of users and a plurality remote servers at respective remote locations to interactively define the bid identifications, and communicating the defined bid identifications between the remote location and the central server substantially without interactive communications directly between the user and the central server...." This step requires that there be an interactive communication between the remote locations and set of users. According to Firedland et al., the "collector/redistributor nodes are heirarchically interconnected and serve to efficiently collect and filter bids from a large number of remote bidders and pass potentially winning bids onto the auction server, and also serve to efficiently broadcast status messages concerning the live auction received from the auction server to a large number of remote client programs running on remote computers." There is no teaching or suggestion that the communication between user and collector/redistributor nodes is interactive. Since this is a method claim, and the language affirmatively stated, this amounts to more than a mere statement of intended use. The Examiner's analysis does not in any way address this aspect of the claim, and it was not given due consideration during examination.

It is therefore respectfully submitted that the claims are patentable, and a Notice of Allowance is respectfully solicited.

Respectfully submitted,

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